

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

CASE NO.: 21-40002

IN RE:

STEVE N. MURRAY
a/k/a Steve Nathan Murray
a/k/a Steve Murray

Debtor.

-----X

**AMENDED AFFIRMATION IN OPPOSITION TO TRUSTEE'S MOTION TO
DISMISS**

CLOVER M. BARRETT, an attorney licensed to practice in the courts of the State of New York affirms the following to be true under penalties of perjury:

1. I am the attorney for the Debtor in the above-captioned matter and as such am fully familiar with the facts of this matter based on the files that are maintained in my office.

2. I make this affirmation in opposition to the trustee's motion to dismiss Debtor's Chapter 13 petition on the grounds that there are misrepresentations in Debtor's petition.

3. It is respectfully requested that the Court deny the Trustee's motion to dismiss Debtor's case.

4. Since the filing of trustee's motion, Debtor has provided outstanding mandatory disclosures including, lease agreement, Corporate State and Federal tax returns for the years 2018 and 2019.

5. Neither Debtor nor his business interests have yet filed 2020 tax returns. Debtor will provide these returns to the trustee as soon as they are filed.

6. Schedule A/B has been amended to remove Debtor's ownership of real

property as the property is held in the name of Modus64 LLC.

7. Schedule C of Debtor's petition has been amended to remove the homestead exemption as the title to debtor's real estate is held in the name of Modus64 LLC.

8. Debtor's Statement of Financial Affairs has been amended to reflect the Debtor's interest in three restaurant businesses and Modus64 LLC, the real estate entity that holds title to his home.

9. Debtor is in the process of resolving his tax issues with the New York State Department of Taxation and Finance as well as finalizing a forbearance agreement with his mortgage company, after which debtor will be able to file a feasible Amended Plan

WHEREFORE, it is respectfully requested that the trustee's motion to dismiss Debtor's Chapter 13 Petition based on material misrepresentations be denied.

s/Clover M. Barrett, Esq
Clover M. Barrett
Attorney for the Debtor

Dated: Brooklyn, New York
March 8, 2021

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Case No.: 21-40002
Chapter 13

STEVE N. MURRAY
a/k/a Steve Nathan Murray
a/k/a Steve Murray

Debtor

-----X

CERTIFICATE OF SERVICE

I hereby certify that a copy of the amended affirmation in opposition to Trustee's motion to dismiss has been served on all parties of record through a Notice of Electronic Filing generated by the Court's CM/ECF system on this, the 9th day of March, 2021.

I also served the assigned Chapter 13 Trustee, Michael Macco, Esq., by uploading the same to the Chapter 13 Trustee Online Case Status System Portal, which was designated by Trustee for that purpose, and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov

WELLS FARGO BANK, N.A.
c/o Shapiro DiCaro & Barak LLC
mchatwin@logs.com
rgriswold@logs.com

/s/ Clover M. Barrett

Clover M. Barrett
Clover Barrett & Associates
338 Atlantic Avenue, Suite 201
Brooklyn, New York 11201
(718) 625-8568